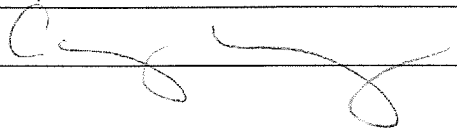
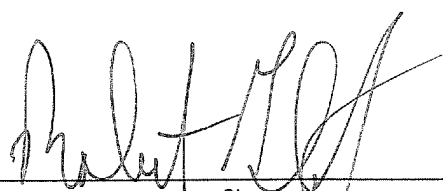


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <div style="text-align: center; font-size: 1.2em;">5670-12</div>	
I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on <u>July 27, 2007</u> Signature <u></u> Typed or printed name <u>Carey Gregory</u>		Application Number <div style="text-align: center; font-size: 1.2em;">10/609,987</div>	Filed <div style="text-align: center; font-size: 1.2em;">6/30/03</div>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		First Named Inventor <div style="text-align: center; font-size: 1.2em;">Ken Prayoon Cheng</div>	
		Art Unit <div style="text-align: center; font-size: 1.2em;">2176</div>	
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <div style="font-size: 1.2em;">36,811</div> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		Examiner <div style="text-align: center; font-size: 1.2em;">Rachna Singh</div>	
		<div style="text-align: center;"> _____ Signature <div style="text-align: center; font-size: 1.2em;">Robert W. Glatz</div> _____ Typed or printed name <div style="text-align: center; font-size: 1.2em;">919-854-1400</div> _____ Telephone number <div style="text-align: center; font-size: 1.2em;">July 27, 2007</div> _____ Date</div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Cheng et al

Serial No.: 10/609,987

Filed: June 30, 2003

For: **Methods, Systems And Computer Program Products For Language Independent Data Communication And Display**

Confirmation No.: 1071

Group Art Unit: 2176

Examiner: Singh, Rachna

July 27, 2007

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 27, 2007.

Signature: _____

Carey Gregory

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which was extended until further notice on January 10, 2006.

No fee or extension of time is believed due for this request other than those submitted with the petition for extension of time filed concurrently herewith. However, if any further fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims rejected in the Final Action mailed March 27, 2007 ("Final Action") and the Advisory Action mailed June 18, 2007 ("Advisory Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Independent Claims 1, 27, 32, 44, 46 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Painter, Jeffrey E., "Navigation System that Supports Multiple Languages and Format," which Applicants understand to correspond to European Patent

Application No. EP1300655 to Painter ("Painter"), in view of United States Patent Application Publication No. 2004/0139388 to Vora ("Vora"). Final Action, p. 2. Applicants submit the rejections should be withdrawn for clear errors of fact as to the teachings of the cited art and/or an unreasonably broad interpretation of the claims. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicants will only discuss the recitations of the independent claims.

With respect to independent Claims 1 and 44, the rejections rely on Vora as disclosing the recited message types. More particularly, with respect to the recitations of Claim 1 that a style sheet is retrieved that is "associated with the **message type of the data record and with the selected language**," the Final Action relies on the various possible output forms ("such as HTML, XML, WML, HDML, and VoiceXML") as disclosing the recited plurality of message types. Final Action, pp. 4, 16-17. The rejection does appear to acknowledge that such are not message types of the received data record, but asserts that the "claim does not necessarily require the message type be sent with the data record, just that the 'received data record' comprises a message type at some point before it is displayed." Final action, p. 17.

As an initial matter, Applicants submit the interpretation being applied is overly broad as the reference to the "received data record comprises ... a message type selected from a plurality of message types ... retrieving a style sheet associated with the message type of the data record." The only antecedent basis for either received data record or the data record as recited above is in the phrase "receiving a data record." Thus, the received data record clearly refers to the message as received, not a processed version thereof. For example, in Claim 2, wherein the operation of "formatting the data record" creates such a processed version, the displaying operation recites "the data record formatted based on the second style sheet" to make it clear that a processed version of the data record is displayed, not the received data record in its unprocessed form.

Furthermore, even if the interpretation of the Final Action were to be applied, Vora would still not disclose or suggest the message types of Claim 1. In particular, to the extent the listed output forms of Vora can be considered to represent message types, they are types associated with the target destination devices 116, 118, 110, 112, 114. These output forms

are not associated with the received MXML document 104. Vora, Paragraphs 47-48. In other words, different formats are applied based on identified communication protocols for respective destination devices, not based on the received document 104. In fact, Vora emphasizes the advantages of the use of a single MXML document 104 as the input, which can then be transformed to different destination device communication formats from a known common input document type. See, e.g., Vora, Paragraph 49 ("document can be written once in device-independent MXML form ...can potentially save a considerable amount of programmer time."). As such, if anything, Vora teaches away from the message types of the received data records as recited in Claim 1.

The Advisory Action disagrees with this interpretation because the "output documents are generated from the MXML document." Advisory Action, p. 2 (which MXML document is what is alleged to have message types). However, even accepting this accurate factual assertion, that does not make the MXML document a "message type selected from a plurality of message types" as recited in Claims 1 and 44. Instead, it still remains a single message type, not selected from any plurality of distinct types, that may subsequently be used to generate a variety of selected output formats. Accordingly, the rejections of Claims 1 and 44 and the claims that depend therefrom should be withdrawn for at least these reasons.

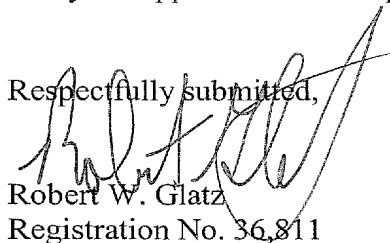
With respect to independent Claims 27, 32, 46 and 48, Applicants note that the Advisory Action was the first time the Examiner even responded to Applicants' arguments. However, the comments in the Advisory Action generally mimic the rejections and the only additional language that arguably responds to Applicants' arguments is little more than a rewording of the arguments discussed above that MXML document is one of a plurality of message types because different device specific outputs may be generated. Advisory Action, p.2.

Furthermore, Independent Claim 27 recites, among other things, generating data values **and** further incorporating the generated data values and an identification of a style sheet in a language independent markup document **at a first data processing system**, followed by forwarding the language independent markup document **from the first data processing system to a second data processing system**. In other words, the system creating a markup document including both data and a style sheet identification is the system generating the data. Independent Claims 32, 46 and 48 contain corresponding recitations.

The additional remarks in the Advisory Action do not change the basis of the rejection that such recitations are disclosed by "Vora's locale attribute which determines what stylesheet to apply in order to display the data record." Final Action, p. 9. However, as described in the discussion of Vora above, the locale attribute of Vora is input by a programmer to the application server 105 that receives and translates the MXML document 104 for local display, it is not included in the MXML document 104 by the device generating the MXML document 104. The application server 105 is alleged to be the first data processing system in the rejections, the translated document 104 is not in a language independent format when forwarded to a selected output device 112, 114, 116, 118. In fact, the no "identification of a style sheet" or the locale attribute is ever included in the MXML document 104, it is a separate parameter passed to the translate application as discussed above. Applicants submit that the Advisory Action's additional comments related to multiple device specific outputs from the MXML are not only faulty as applied to Claims 1 and 44 but fail to even address the deficiencies of the rejections of the remaining independent claims. Accordingly, the rejections of independent Claims 27, 32, 46 and 48 and the claims that depend therefrom should be withdrawn for at least these reasons.

For at least the reasons discussed herein, Applicants respectfully submit that the Office Actions fail to show that the claims of the present application are anticipated and/or obvious in view of the cited references and, therefore, request that the present application be reviewed and that the rejections be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



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